

Remarks

This Amendment is responsive to the non-final Office Action mailed October 21, 2004. In that Office Action, the following rejections were made: claims 1-3, 6-8, 17-18, 22-23, 25-26, 28-29, 35-36, 38 and 40 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,556,222 (Narayanaswami); claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Narayanaswami in view of U.S. Patent No. 6,433,801 (Moon et al.); claims 5, 9-10, 12-13, 15-16, 30, 32, 34, 37 and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Narayanaswami in view of U.S. Patent No. 6,525,997 (Rosenberg et al.); claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Narayanaswami in view of U.S. Patent No. 6,029,122; claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over Narayanaswami in view of U.S. Patent No. 5,826,578 (Curchord); and claims 21 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Narayanaswami in view of U.S. Patent No. 6,420,075 (DeLine et al.).

As a result of this Amendment, claims 41 and 42 are hereby added into the application, and thus, claims 1-13, 15-32 and 34-42 are now pending. Also, claims 1, 7, 11, 26, 28, 29, 36 and 37 are hereby amended as depicted in the Listing of the Claims, above. Reconsideration of the application is respectfully requested in light of the above amendments and in consideration of the following remarks.

A. Interview Summary

The undersigned kindly thanks Examiners Truc Chuong and Ba Huynh for their time in preparing for and attending a telephonic interview on December 29, 2004. The topic of discussion for this interview related to the sufficiency of the Rule 1.131 declaration (and accompanying Exhibit B) filed in the present application by way of a Request for Continued Examination on September 1, 2004. The following remarks are intended to not only fully respond to the non-final Office Action dated October 21, 2004, but also provide a complete and accurate record of the substance of the interview conducted on December 29, 2004.

B. Claim Rejections

All claims of the present application currently stand rejected either as being anticipated by Narayanaswami or obvious over Narayanaswami in combination with another reference.

These same rejections were made in the present application in a first, non-final Office Action mailed on December 4, 2003. In response to these rejections, Applicant amended claims 1, 26, 28 and 29 such that all independent claims recited movement of a bezel in a direction substantially parallel to a display surface of a display screen. These amendments did not result in allowance of the claims over Narayanaswami, and consequently, Examiner Chuong issued a final Office Action on June 3, 2004. In response to this final Office Action, Applicant filed a declaration under 37 C.F.R. §1.131 ("Rule 131 declaration") to antedate, or "swear behind," the Narayanaswami reference thereby removing this reference as available prior art on which to base anticipatory and obviousness-type rejections. In response, Examiner Chuong deemed Applicant's Rule 131 declaration insufficient and thus maintains the aforementioned rejections.

The outstanding Office Action asserts that the exhibit attached to Applicant's Rule 131 declaration does not provide enough evidence to clearly prove a relationship to the features recited in the independent claims. Office Action, at page 12. Specifically, this Office Action states that the disclosure of Exhibit B of Applicant's Rule 131 declaration lacks support for a display screen, a cursor and Internet data. In the telephonic interview on December 29, 2004, Examiners Chuong and Huynh reiterated this point while the undersigned argued that the definition of "smart watch," as known to the inventor at the time that the dated description of Exhibit B was made, embodied a computer-based watch having a display screen through which a cursor-based user interface was displayed to a user and capable of displaying Internet data. Ultimately, an agreement was not reached and the examiners requested that evidence showing the existence of such conception at least as early as the date identified in the Exhibit B be submitted into the application by way of a new declaration.

With the foregoing in mind, enclosed herewith is a new declaration (Exhibit A) and associated exhibits (Exhibits B, C and D) submitted pursuant to 37 CFR §1.131 to establish the Applicant's conception of the present invention at least prior to June 30, 2000, the effective prior art date of Narayanaswami under 35 U.S.C. § 102(e). More specifically, this new declaration, in combination with Exhibits B, C and D, establishes proof that Applicant invented a bezel input mechanism for use with a smart watch at least as early as February 18, 2000, wherein the "smart watch" embodied a computer-based watch having a display screen, a cursor and capable of displaying Internet data. Consequently, Narayanaswami is not prior art under 35 U.S.C.

§102(e) and therefore cannot, as a matter of law, be used as a reference for rejecting any claim of the present application under either 35 U.S.C. §102(e) or 35 U.S.C. §103(a).

The merits of the instant rejections and the Examiner's arguments in support thereof are not addressed herein because the attached declarations establish conception and reduction to practice of the present invention at least prior to the effective prior art date of Narayanaswami, and therefore render the instant rejections moot. As such, failure of this Amendment to directly address the Examiner's arguments should not be taken as an indication that the Applicants believe the arguments to have any merit. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

C. Claim Amendments

As noted above, claims 1, 26, 28 and 29 were amended in response to the first, non-final Office Action in this application to recite movement of a bezel in a direction "substantially parallel" to a display surface of a display screen. Similarly, claim 11 was amended and claims 14 and 33 were canceled to accommodate for the amendments to claims 1, 26, 28 and 29. As argued in the remarks accompanying these amendments, Narayanaswami does not teach movement of a bezel in a direction "substantially parallel" to a display surface, and thus these amendments and cancellations were made to distinguish the present invention from Narayanaswami.

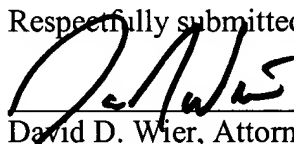
However, the filing of Applicant's Rule 131 declarations on September 1, 2004 and concurrently herewith each individually establish a conception date prior to the effective prior art date of Narayanaswami, and therefore render moot the intent of filing the previous amendments to claims 1, 11, 26, 28 and 29 and the cancellation of claims 14 and 33. As such, each of these claims are hereby amended back to original form and are allowable in view of Applicant's Rule 131 declarations. Likewise, the subject matter recited in original claims 14 and 33 is hereby added back into the application as claims 41 and 42, respectively, as set forth in the claims listing above.

CONCLUSION

Claims 1-13, 15-32 and 34-42 are pending in the application and are believed to be allowable over the art of record for the reasons provided above. Accordingly, prompt allowance and passage of the application to issue are earnestly solicited. Should the Examiner have any remaining questions or concerns, he is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns. No fees are believed due for the addition of claims 41 and 42. However, if this is not the case, please charge any required fees, including any fees due for the addition of claims 41 and 42 or any fees required for submission of the exhibits to the enclosed Rule 131 declaration, to Deposit Account No. 13-2725. Additionally, if the enclosed extension fees are not sufficient to cover the 2-month extension of time required to extend the period to reply to the October 21, 2004 Office Action to March 21, 2005, please charge any additional fees due for submission of this Amendment to Deposit Account No. 13-2725.

Dated: March 21, 2005

Respectfully submitted,



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S/N 09/775,077

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|---|-----------------|-------------------------|
| Applicant: | Eric G. Lang | Examiner: | Chuong, Truc T. |
| Serial No.: | 09/775,077 | Group Art Unit: | 2174 |
| Filed: | January 31, 2001 | Docket No.: | MS150410.1/40062.85US01 |
| Title: | BEZEL INTERFACE FOR SMALL COMPUTING DEVICES | | |

EXHIBIT A

DECLARATION UNDER 37 CFR §1.131

I, Eric G. Lang, declare as follows:

1. I am the sole named inventor on U.S. Patent Application Serial No. 09/775,077 filed January 31, 2001 (hereinafter, "this application").
2. I am aware that a Final Office Action was mailed in this application on June 3, 2004 and that, in this Final Office Action, all pending claims were rejected either as being anticipated by U.S. Patent No. 6,556,222 (hereinafter, "Narayanaswami") under 35 USC § 102(e) or as being obvious under 35 USC § 103(a) in view of Narayanaswami and various other references.
3. I am aware that an Amendment was filed in this application on September 1, 2004 as a response to the Final Office Action and included a declaration that I made under 37 C.F.R. §1.131 on August 3, 2004. This August 3rd declaration proves conception and reduction to practice of the invention recited in all claims that had been previously submitted in this application, either in original or amended form, at least prior to June 30, 2000, the filing date of Narayanaswami.
4. I am aware of a subsequent Office Action mailed in this application on October 21, 2004, in which the Examiner deemed my declaration filed on September 1, 2004 to be insufficient to overcome the earlier-described rejections to the claims in view of Narayanaswami. Specifically, I am aware that the Examiner deemed the Exhibit to my August 3rd declaration to lack support for conception of a computer-based watch having a display screen, a cursor and Internet data, as recited in various claims of this application.
5. I am aware of an Amendment in the present application being filed in response to this subsequent Office Action and that this declaration is attached to that

EXHIBIT

tabbles

A

Amendment as Exhibit A. I am aware that claims 1, 11, 26, 28 and 29 are being amended in this Amendment back to original form and that claims 41 and 42 are being filed to capture subject matter previously recited in original claims 14 and 33, respectively, which had previously been canceled.

6. The invention set forth in all claims submitted in this application, whether pending, original or previously amended, was conceived and actually reduced to practice by me in this country at least prior to June 30, 2000. Exhibit B, attached hereto, is a document entitled "Bezel input for smart watches" that I prepared on February 18, 2000. This document contains a dated description that evidences conception and reduction to practice of the claimed invention at least as early as February 18, 2000. For example, the second paragraph of this dated description describes my idea of using a bezel to input information into a smart watch. The dated description then goes on to describe eight (8) different embodiments of this idea evidencing a multitude of methods for reducing this idea to practice.

7. I used the term "smart watch" in the dated description of Exhibit B to refer to a watch having computer-based functionality. More specifically, I used the term "smart watch" in this dated description to refer to a computer-based watch having a display screen for displaying a user interface to a user, wherein the user interface includes a cursor or other graphical input component (e.g., pointer) for assisting the user in inputting information therein. Indeed, when preparing this dated description there were various makes of smart watches on which the claimed bezel input mechanism could be implemented. For example, I envisioned the claimed bezel input mechanism being implemented on a smart watch referred to as an "onhandpc" and described in the document attached hereto as Exhibit C. Another example of a smart watch on which I envisioned my claimed invention being applicable is the "PC-UNITE" watch manufactured by Casio and described in the document attached hereto as Exhibit D.

8. As further evidence of my conception for a bezel input mechanism for use on a "smart watch" having at least the features identified in paragraph 7, the background of this application describes smart watches as being wearable "computers" and expressly states that smart watches "may include a text and e-mail editor, a database program, and an Internet browser."

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such false statements may jeopardize the validity of the application or any patent issued thereon.

Date March 21, 2005


Eric G. Lang

Title: Bezel input for smart watches
Date: 2/18/2000
Author: Eric Lang


The bezel of a watch is the circular rim commonly used to hold the glass lens onto the watch, it is also sometimes rotatable on sport or diving watches to keep track of elapsed minutes on a watch with hands. Bezels are also used for purely ornamental reasons or to protect the face.

A new functionality for bezels is described. If the bezel is allowed to function as an input mechanism its motion in various axes can be used to input information into smart watches. Several methods are enumerated:


1. The Bezel can be freely rotated and can function as:
 - a. A multi position rotary switch, and even multi-pole
 - b. A potentiometer
 - c. A variable capacitor
2. The bezel can be rotated with spring-return
3. The speed of rotation of the bezel can be measured to provide variable speed scrolling/selection/acceleration
4. The bezel can be moved slightly in the X and Y planes to function as a joystick/gamepad or thumb input
5. The bezel can rock down (depress) to function as a joystick or gamepad-type interface; or as a 4 or 8 direction X/Y switch.
6. Small buttons can be placed on the bezel to add functionality to bezel motion (like mouse buttons complement the mouse motion)
7. The actual face of the watch can be modified to allow better input control, for instance depressions or protrusions.
8. Touch sensitive material (or resistive or capacitance or other) can be put on the bezel to allow similar input without actually moving the bezel (the user would slide their finger around the bezel).

These methods can all be applied to smart watches to allow the user to input information, make choices, and navigate the UI.





onHand



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Basic Functions

If you're like many people today, you probably rely on your computer to manage life's myriad details. Your information is organized, but not very portable. But now with just a touch of a button, you can transfer important data from your computer the onHand PC — the computer you wear on your wrist.

Use the Filer menu to manage onHand PC's working environment and file system (display files, start and switch applications, delete files, IR communications, etc.)


Roll the mouse cursor over a description or the areas in red to review the onHand PC functions

Data Entry (Keyboard)

Check Battery

Pop-up Clock (Filer button)

Power Management



Filer Preferences

Secret Password

View (Preferences)

File Attributes

Data Entry

The on-screen keyboard is used to enter characters into the onHand PC.

Lower-case alphabetic entry



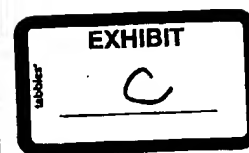
Upper-case alphabetic entry



Numeric entry



Bank





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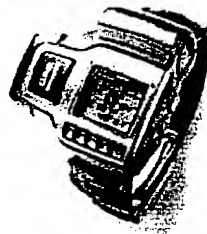
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Special Features

Special Features of the PCUnit Watch

0. Infrared data communication using PC link

PC-UNITE comes with a built-in infrared port and PC link software (for Windows 95, 98, NT4.0), and an infrared adapter for your computer. After installing the software on your computer, you can exchange PIM data with a computer or portable data terminal using infrared you can also exchange data between two PC-UNITE watches.

1. Linking with Microsoft® Outlook™

PC-UNITE is able to perform data synchronization with Microsoft® Outlook™, one of the most popular PIM applications among business professionals the world over. This means you can download your existing personal data resources and take them along with you.

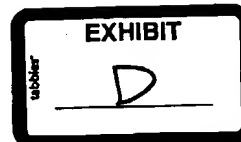
2. Linking with a CASSIOPEIA Palm-size PC or a Palm Computing platform device

Installing the bundled link software enables linking with a portable data terminal* for data exchange.

*CASSIOPEIA Palm-size PC (E-105, E-100, E-10, E-10, E-11)

Palm Computing platform device (3Com Palm III, Palm IIIx, Palm V; IBM Work Pad)

3. Data import from commercially available PIM



software

A simple operation transfers data input using the link software on your computer, or data from a commercially available PIM application* to your PC-UNITE.

* Microsoft Schedule+ 7.0, Lotus Organizer R2.1J

4. Computer data compatible PIM functions

PC-UNITE comes with a collection of powerful PIM functions built in, including Schedule that sounds alarms to keep you reminded of important appointments, Contact for storing phone numbers and even e-mail addresses, To Do to make sure you do not forget important events, and more. You can use your computer to keep track of your data and then download only what you need to take along with you.

5. Text browser

A built-in text browser lets you store up to 8,200 characters of text to take along anywhere for instant lookup whenever you need it.

PC-UNITE BZX-20/BZX-20D Features

6. Built-in infrared port

After installing the bundled PC link software for Windows on your computer, you can exchange data with PC-UNITE quickly and easily. If your PC already has an IrDA port, you can communicate with PC-UNITE without an infrared adapter. If your computer does not have an IrDA port, you can communicate using the infrared adapter that comes bundled with PC-UNITE.

7. Linking with Microsoft® Outlook™

PC-UNITE is able to perform data synchronization with Microsoft® Outlook™, one of the most popular PIM applications among business professionals the world over. This means you can download your existing personal data resources and take them along with you.

8. Linking with a CASSIOPEIA Palm-size PC or a Palm Computing platform device

Installing the bundled link software enables linking with a portable data terminal* for data exchange.

*CASSIOPEIA Palm-size PC (E-105, E-100, E-10, E-11)

Palm Computing platform device (3Com Palm III, Palm IIx, Palm V; IBM Work Pad)

9. Computer data compatible PIM functions

PC-UNITE comes with a collection of powerful PIM functions, including Schedule, Contact, and a To Do list. A data sync feature compare the data stored in the watch and the data stored on your computer with the bundled PIM application and updates both with the newest version. This means you can input data on you computer and download it to PC-UNITE, recall and edit the data on PC-UNITE when away from your desk, and update your main records when you get back, all with the a few simple button operations.

0. Schedule ... For storage of the year, month, day, time, and description of appointments. An alarm sounds to remind when an appointment has arrived.
1. Contact ... For storage of up to six phone numbers (phone, cell phone, fax, etc.), and e-mail addresses.
2. To Do List ... For storage of the year, month, day, time, and priority of tasks and important events.

0. PIM data link with other applications

The bundled PC link application can be used to import data from files created using other popular Windows PIM applications. Data from Microsoft Schedule+ 7.0 and Lotus Organizer R2.1J can be downloaded to PC-UNITE whenever you need to take it along with you.

1. Text Browser Mode

The Text Browser Mode of PC-UNITE can be used to carry timetables, postal code lists, and other text files downloaded from your computer. Up to 8,100 characters of text can be stored in multiple text files for quick and easy look up when you need it

2. Business Card Exchange feature

PIM data can be exchanged between two PC-UNITE watches quickly and easily. A Business Card Exchange feature lets you exchange owner data (your name, phone number, fax number, cell phone number, pager number, e-mail address, profile) between two watches with the touch of a button.

3. Compact design

All the powerful PIM functions and infrared capabilities of PC-UNITE come packed in a wristwatch configuration. Low-power operation provides approximately 18 months of operation between battery replacements. PC-UNITE is also water-resistant.

4. 27-city World Time

Instant access to the current time in cities around the globe.

5. EL backlight

Easy reading of data, even in the dark.

6. A choice of bands

Two models offer a choice between resin and metal bands.

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